

**Testimony of
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CTIA – THE WIRELESS ASSOCIATION®
In Opposition to Connecticut Senate Bill 209**

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Before the Connecticut General Assembly Committee on General Law

On behalf of CTIA-The Wireless Association, the trade association for the wireless communications industry, I submit this testimony in opposition to Connecticut Senate Bill 209, specifically Section 2 that would require mobile providers operating in Connecticut to include a notice regarding the state Department of Consumer Protection's "No Sales Solicitation Complaint" form on their consumer bills.

Section 2 would adversely affect mobile providers' national billing platforms. Mobile providers in Connecticut originate consumer bills from these national platforms. By requiring Connecticut mobile providers to issue bills to meet this Connecticut-specific requirement, SB 209 would negatively impact the business efficiencies built into the providers' nationwide billing platforms. These efficiencies have allowed providers to manage costs and deliver affordable wireless services to consumers.

Mobile providers already offer consumers numerous tools to address unsolicited text messages. Consumers can report unsolicited texts to national providers free of charge by copying the original message and forwarding it to the number 7726 (SPAM). Mobile providers have used this tool to investigate entities that send unwanted text messages to their consumers. Providers also offer text blocking tools that allow consumers to block text messages.

In addition, the space in, and length of, provider bills are limited. Accordingly, a state-specific notice as contemplated in SB 209 would be unduly burdensome. As opposed

to requiring providers to carry the state's message, it is more appropriate for the Department or another state agency to launch a consumer education initiative to raise awareness to the Department's complaint form.

It is important to note that federal laws and regulations already prohibit the sending of unsolicited text messages to telephone numbers assigned to wireless services absent the recipient's prior consent. The Federal Communications Commission (FCC) has found that text messages sent to mobile devices are "calls" for purposes of the Telephone Consumer Protection Act (TCPA).¹ The TCPA and the FCC's rules ban text messages sent to a mobile phone using an autodialer. This ban applies even if the mobile phone number has not been placed on the national Do-Not-Call list of numbers telemarketers must not call.

The TCPA provisions apply to any call made using an automatic telephone dialing system, which courts have interpreted to include the technology used to send text messages, and which the FCC has interpreted as any device that permits the dialing of numbers without human intervention. Besides enforcement actions by the FCC, which can assess financial penalties, the TCPA gives recipients of autodialed messages the right to bring private lawsuits for their actual damages, or for damages of \$500 per "call" (\$1,500 if the caller's conduct is "willful").

There are robust federal regulations governing this activity, and these regulations are continually reviewed by the FCC to ensure they reflect changes in telemarketing practices and to ensure they address consumer concerns. In fact, the FCC adopted new regulatory provisions in this area in February 2012 that require prior express written consent for automated telemarketing calls and text messages sent to mobile devices. The FCC regulations also exempt mobile providers from using text messages to communicate with their consumers. Such an exemption would be an appropriate amendment to SB 209.

¹ See 47 U.S.C. § 227.

For the reasons outlined in this testimony, CTIA and its member companies oppose SB 209, specifically Section 2 that would require mobile providers to include notices in their consumer bills.